



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

and did not know whether it was read to him or not and did not know the contents of it; and the court said that it cannot be tolerated that a man shall execute a written instrument and, when called upon to abide by its terms, say merely that he did not read it, or did not know what it contained. It is needless to pursue the subject. The rule has been established time out of mind. 1 Shep. Touch. 56 (30 Law Lib. 121)."

CRIMINAL LAW—OMISSION TO PERFORM DUTY OF FURNISHING MEDICAL ATTENDANCE.—An offense committed under section 288 of the Penal Code, making it a misdemeanor for a person who wilfully omits to perform a duty, by law imposed upon him, to furnish medical attendance to a minor, is sufficiently described in an indictment which charges that the defendant wilfully, maliciously and unlawfully omitted, without lawful excuse, to perform a duty imposed upon him by law to furnish medical attendance to his minor child, who was suffering from catarrhal pneumonia, and that he wilfully and unlawfully neglected and refused to allow said minor to be attended and prescribed for by a regularly licensed and practicing physician. It is not essential to the validity of the indictment that it should expressly allege that the case was one in which a regularly licensed and practicing physician ought to have been called.

The language of the section, "a duty by law imposed," has reference to the person, parent or guardian, charged with the duty of caring for the minor; that is, that the person upon whom such duty is imposed is guilty of a misdemeanor for neglecting it.

The term "medical attendance" means attendance by a person who, under the statute (chap. 513, Laws of 1880), is a regular licensed physician.

The constitutional provision guaranteeing the free enjoyment of religious profession and worship without discrimination or preference, but that liberty of conscience hereby secured shall not be construed to justify practices inconsistent with the peace and safety of the state, does not afford immunity from the operation of section 288 of the Penal Code to one who, because of his religious belief that prayer for Divine aid was the proper remedy in case of sickness, refused to allow medical attendance for his minor child who was dangerously ill. *People v. Pierson* (Ct. App. N. Y.), 30 N. Y. Law Journal, 247. Citing *Barker v. People*, 3 Cow. 686; *Lawton v. Steele*, 119 N. Y. 226; *Thurlow v. Massachusetts*, 5 How. 504.

Per Haight, J :

"We are aware that there are people who believe that the Divine power may be invoked to heal the sick, and that faith is all that is required. There are others who believe that the Creator has supplied the earth, nature's storehouse, with everything that man may want for his support and maintenance, including the restoration and preservation of his health, and that he is left to work out his own salvation, under fixed natural laws. There are still others who believe that Christianity and science go hand in hand, both proceeding from the Creator; that science is but the agent of the Almighty through which He accomplishes results, and that both science and

Divine power may be invoked together to restore diseased and suffering humanity. But, sitting as a court of law for the purpose of construing and determining the meaning of statutes, we have nothing to do with these variances in religious beliefs, and have no power to determine which is correct. We place no limitations upon the power of the mind over the body, the power of faith to dispel disease, or the power of the Supreme Being to heal the sick. We merely declare the law as given us by the legislature. We have considered the legal proposition raised by the record, and have found no error on the part of the trial court that called for a reversal. The other questions in the case involve questions of fact which are not brought up for review, and consequently are not before us for consideration."

(We have not this statute in Virginia, but we report the case as one of novelty and of modern interest. It is only in recent years that there has been need for such statutes, but with the growth of the cult which calls itself a religion, but teaches parents to despise the laws of nature and to refuse to supply medical aid to their children of tender years, the wisdom of such legislation is apparent. The law cannot prevent a man from becoming a fool, but it can punish him for the consequences of his criminal folly.—
EDITOR VA. LAW REGISTER.)